

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Dailey Law Firm PC,

Debtor.

Case No. 23-45970-MLO

Chapter 7

Hon. Maria L. Oxholm

**ORDER FINDING BRIAN DAILEY
IN CONTEMPT AND ASSESSING COSTS**

Chapter 7 Trustee Mark H. Shapiro filed a Motion for Order Finding Brian Dailey in Contempt and Assessing Costs (“Motion”). Brian Dailey and H. Nathan Resnick, Esq. were served with the Motion and a 14-day notice of the Motion, and no objections were timely filed. After consideration of the Motion, the Court finds:

A. On November 17, 2023, the Court entered an Order Compelling Turnover of Property of the Estate (“Turnover Order”).

B. On November 17, 2023, the Turnover Order was served via ECF on Debtor’s counsel of record, H. Nathan Resnick.

C. On November 20, 2023, Trustee’s counsel served the Turnover Order via first-class mail on Brian Dailey and his attorney H. Nathan Resnick, Esq.

D. Brian Dailey has failed to comply with the Turnover Order.

IT IS ORDERED as follows:

1. Brian Dailey is declared in civil contempt of court for failing to comply with the Turnover Order.
2. Costs are assessed against Brian Dailey and the Debtor's counsel, H. Nathan Resnick, Esq., jointly and severally, for reasonable attorney fees and expenses incurred by Trustee's counsel because of Brian Dailey's failure to comply with the Turnover Order. The amount of the attorney fees and expenses will be determined by further order ("Fee Order") of this Court, using the same procedures as those described by L.B.R. 7054-1 (E.D. Mich.).
3. The costs assessed in the above paragraph must be paid and delivered to Steinberg Shapiro & Clark within 10 days after entry of the Fee Order, and the Fee Order shall constitute a judgment enforceable under Fed. R. Civ. P. 69(a) against Brian Dailey and H. Nathan Resnick, Esq, jointly and severally.
4. Brian Dailey may purge himself of the contempt by complying with the Turnover Order within seven days after entry of this Order.
5. If Brian Dailey fails to fully purge himself of the contempt by complying with the provisions of paragraph 4 of this order, the Trustee need only file a Declaration of Non-Compliance and the Court will immediately schedule a hearing to consider additional sanctions, incarceration, and other remedies to compel compliance.

6. Notwithstanding the provisions of Rule 62(a) of the Federal Rules of Civil Procedure or any other applicable rule or statutory provision, this Order shall not be stayed, but shall be effective and enforceable immediately upon entry.

Signed on December 26, 2023



/s/ Maria L. Oxholm

**Maria L. Oxholm
United States Bankruptcy Judge**